

# PROGRESS for America

## Voter Fund

August 30, 2004

Via Fax  
Ms. Kim C. Stevenson  
Paralegal  
Complaints Examination and Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 5487  
Progress for America Voter Fund

Dear Ms. Stevenson:

This responds to the complaint filed against Progress for America Voter Fund ("PFAVF"). PFAVF is a tax-exempt organization under section 527 of the Internal Revenue Code. Its purpose is to engage in political activities that educate the general public regarding the public policy positions of candidates for federal, state and local office and mobilize voters in compliance with federal and state laws.

As the Complainants are aware, the Commission has debated the flawed legal theories that form the basis of the allegations contained in the Complaint. Last week, after rejecting these legal theories numerous times, the Commission adopted new regulations that will regulate section 527s that engage in issue advocacy activities. However, the Commission specified that the new regulations would not become effective until January 1, 2005. The Commission's actions last week make clear that the legal theories advanced in the Complaint do not apply to 527s engaging in issue advocacy activities this election cycle. Therefore, as a matter of law, the Commission must dismiss the Complaint.

In addition, PFAVF denies each allegation made in the complaint. It is not a political committee under the Federal Election Campaign Act and Federal Election Commission regulations (collectively "the FECA"). The television ads sponsored by PFAVF, and its other communications, do not contain expressly advocate the election or defeat of any federal candidate. Even the advertisement cited in the Complaint does not expressly advocate the election or defeat of President Bush or Senator Kerry. See Compl. at 6.

PO Box 57167 • Washington, DC 20037 • 877-792-3800 • [www.pfavoterfund.org](http://www.pfavoterfund.org)  
*Paid for by Progress for America Voter Fund, a nonprofit organization under section 527 of the Internal Revenue Code. Contributions to Progress for America Voter Fund are not tax deductible as charitable contributions for Federal income tax purposes.*

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Finally, PFAVF has complied with the source prohibitions and reporting obligations applicable to electioneering communications. The organization has established two separate bank accounts – one for donations from individuals and another separate account for donations from corporations and other business entities. The costs for each electioneering communication have been with permissible funds from the account containing donations from individuals. Also, the organization has filed FEC Form 9 for each electioneering communication. Accordingly, since PFAVF has not engaged in express advocacy activities and has complied with the source prohibitions and reporting obligations applicable to electioneering communications, the Commission must dismiss the complaint and take no further action.

Sincerely,



Brian McCabe  
President